

as being anticipated by U.S. Patent 5,664,568 to *Srinivasan et al.*;

6. Claims 1-30, 32-62 and 63-71 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent 7,084,629 to *Monski et al.*; and

7. Claims 16, 34, 51 and 59 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the *Srinivasan et al.* patent.

The *Office Action* at issue here has rendered Applicants able to address only two of the seven items above, specifically items (1) and (2). In regards to item (1), Applicants herein acknowledge and confirm below their election to prosecute the invention of Group I (i.e., claims 1-71) in the present application. In regards to item (2), as explained further below, Applicants submit herewith a complete set of formal drawings encompassing all previously submitted figures, all of which in compliance with 37 C.F.R. §1.121(d), to overcome the objections under 37 C.F.R. §1.84.

Applicants respectfully submit, however, that they are unable to respond to the objections and rejections of the claims set forth in items (3) through (7) above. This is because items (3)-(7) above are directed to an earlier version of the claims than what is currently at issue in the pending application. Specifically, in items (3)-(7) above, the Examiner refers not to the claims at issue but a version originally filed with the PCT International Application on 22 February 2005. In this regard, on page 5 of the Office Action, the Examiner states that:

14.Claim 15 is objected to because of the following informalities.

15.Claim 15 depends from claim C1, there is no claim C1. The examiner is treating this claims as if it depends from claim 1. Appropriate correction is required.

The undersigned, however, corrected that particular “C1” informality in an *Article 19 Amendment* on 31 May 2006 during the international stage of prosecution. Indeed, Applicants not only addressed that informality but also made numerous other amendments at the request of the Examiner of record to address allegations of indefiniteness, lack of novelty and lack of inventive step.

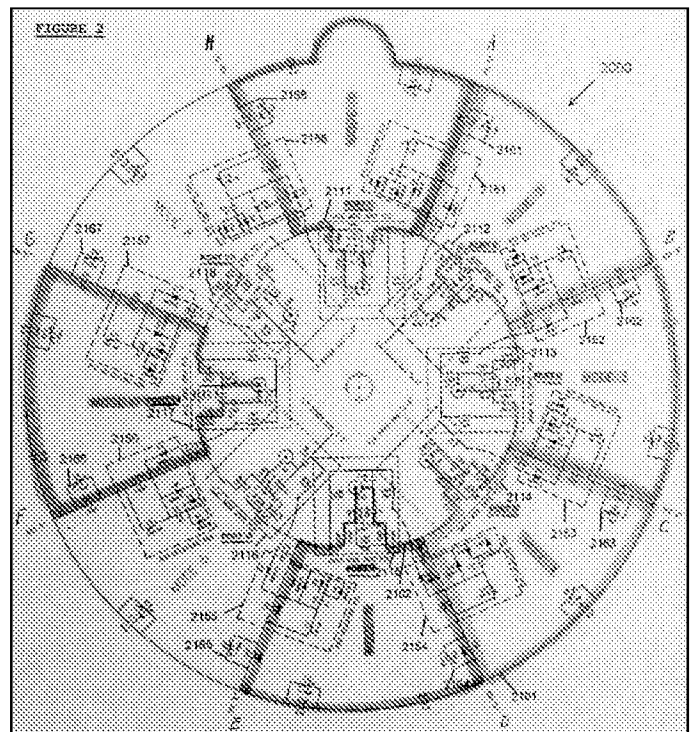
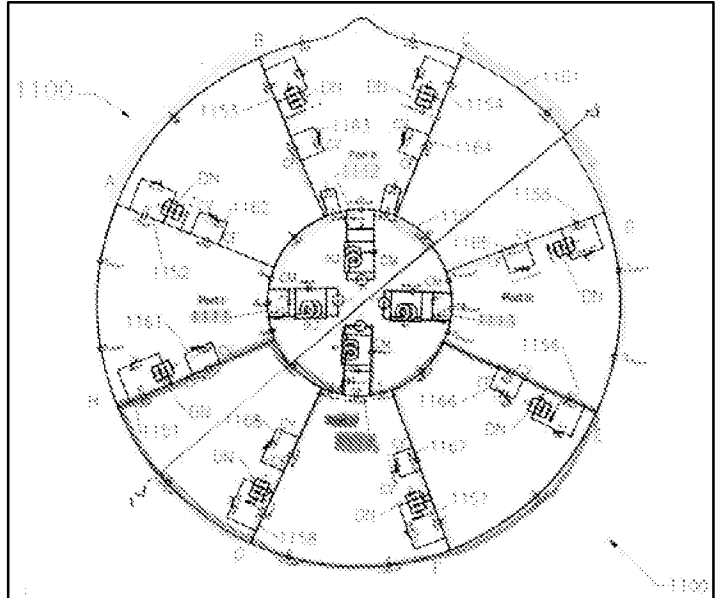
Consequently, the version of the claims to which the instant Office Action is directed is out of date and inappropriate to the claims at issue.

Applicants speculate that this problem was caused by an incorrect posting of various versions of the claims on the Patent Application Information Retrieval (PAIR) system for the present application. As shown in Exhibit A attached, the PAIR record shows a first version of claims posted on 07-18-2006 at the bottom of the page, a second version of claims posted on 4-22-2008 in the middle of the page, and a third version of claims posted on 4-22-2008 at the top of the page. Applicants advise the Examiner that only the version at the top of the page contains the correct claims (see Exhibit B, attached), which are identical to those submitted with the *Article 19 Amendment* noted above. (This is confirmed by U.S. Patent Application Publication 20080275332A1, in which this corrected version of the claims is published.) The Examiner, however, used the version in the middle of the PAIR listing as the basis for the instant Office Action, as only that version contains the informality problem noted above in connection with claim 15. Lastly, even the version at the bottom of the PAIR listing contains an incorrect version of the claims (e.g., that version contains an incomplete version of the claims in the *Article 19 Amendment* as claims 69 and 79 are partially missing and claims 70, 77 and 78 are totally missing, among other problems). **In view of the foregoing, Applicants respectfully request that a corrected Office Action be forthcoming in due course.**

Nonetheless, Applicants respectfully remind the Examiner that they already addressed the objections and rejections cited above in connection with items (4)-(7). In response to communications initiated by the Examiner on or about 28 March 2006, Applicants submitted the *Article 19 Amendment* above in which they amended independent claims 1, 21, 39, 53, 61, 68, 71 and 72 at the request of the Examiner. These amendments were made to address the prior art cited in the *Written Opinion* (i.e., U.S. Patents 5,664,568 and 5,602,479, both to *Srinivasan et al.*) as well as another prior art reference

(i.e., U.S. Patent Application Publication 20050099179A1 to *Monski et al.*, now U.S. Patent 7,084,629), which Applicants disclosed. During that correspondence, the undersigned provided the Examiner with the following two colored drawings, the first of which showing the “*plurality of partially-overlapped primary resonant substructures*” of the *Monski et al.* reference and the second showing the “*electrically-adjacent primary resonant substructures*” of the present claims. The latter is merely a colored version of Figures 4A and 4B of the present application. These drawings were provided to the Examiner to aid her understanding of the technology involved.

Also, as noted in the *Article 19 Amendment*, Applicants also added language to the independent claims to overcome what the Examiner considered to be a lack of clarity with the originally filed claims. Specifically, in the *Article 19 Amendment*, Applicants stated that “the language ‘*while electrically sharing one of said rods with each of its neighboring primary resonant substructure*’ has been inserted [into the independent claims to improve clarity and further distinguish the claims from the *Srinivasan et al.* and *Monski et al.* references]. In addition, the



word '*separate*' has been added before the term '*field of view thereof*' at the insistence of the ISA Examiner, Ms. Tiffany Fetzner....”

Finally, at the end of the *Article 19 Amendment*, it is noted that: “[t]hese limitations have support in both the description and drawings of the original specification as was discussed in a telephone conversation initiated by ISA Examiner Fetzner on 28 March 2006. The other dependent claims have not been amended, and thus remain unchanged. Applicants respectfully submit that the enclosed replacement sheets address the concerns expressed by the ISA Examiner in the above mentioned conversation. In that conversation, the ISA Examiner indicated that the claim amendments above would overcome the allegations of both lack of novelty and lack of inventive step, under PCT Articles 33(2) and 33(3), respectively, set forth in the ISR.”

In view of the foregoing, Applicants respectfully submit that the claims posted at the top of the attached PAIR listing are patentable over the prior art of record. It is this version of the claims, not the ones posted in the middle or bottom of the listing, that are currently of record. The instant *Office Action*, however, is erroneously directed to the version posted in the middle of the PAIR listing, whose claims have been superseded. **Applicants respectfully request that a corrected Office Action be forthcoming in due course.**

For the Examiner’s convenience, the claims currently at issue in the present application are reproduced below.